McClennen

TOWN OF ARLINGTON

Rules and Orders for the Regulation of Hackney Carriages and Vehicles for Hire in the Town

OFFICE OF THE SELECTMEN

TOWN OF ARLINGTON

Rules and Orders for the Regulation of Hackney Carriages and Vehicles for Hire in the Town and Penalties for the Violation Thereof

Effective as of January 1, 1955

Office of the Selectmen

SECTION 1. Definitions:

The following words and phrases when used in these rules and orders have the meanings as set out herein:

(a) LICENSE means an individual hackney carriage license to operate a public automobile from a special stand, garage or house issued by the Board of Selectmen, authorizing the holder thereof to conduct a hackney carriage business in the Town of Arlington.

(b) CRUISING means the driving of a hackney carriage on the streets, alleys, or public places of the Town of Arlington in search of, or soliciting prospective passengers for hire.

(c) DRIVER'S LICENSE means the permission granted by the Chief of Police to a person to drive a taxicab or hackney carriage upon the streets of the Town of Arlington.

(d) HOLDER means a person to whom a license for the operation of a hackney carriage business has been issued.

(e) MANIFEST means a daily record prepared by a hackney carriage driver of all trips made by said driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

(f) PERSON includes an individual, a corporation or other legal entity, a partnership, and any unincorporated association.

(g) RATE CARD means a card issued by the Board of Selectmen for display in each taxicab which contains the rates of fare then in force.

(h) HACKNEY CARRIAGE means a vehicle used or to be used for the conveyance of persons for hire from place to place within the town of Arlington.

(i) TAXICAB means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than seven (7) persons not operated on a fixed route, and with a taximeter attached thereon.

(j) TAXIMETER means a meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

(k) WAITING TIME means the time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger or passengers.

SECTION 2. License for the Operation of Hackney Carriages Required.

No person shall operate or permit a hackney carriage owned or controlled by him to be operated as a vehicle for hire upon the streets of the Town of Arlington without having first obtained a license for each such vehicle from the Board of Selectmen.

SECTION 3. Eligibility.

No person shall be eligible to receive such license who is not a bona fide resident of the Town of Arlington and a citizen of the United States, or has filed his intentions to become a citizen, and no corporation shall be eligible to receive such license or licenses unless it has its principal place of business in the Town of Arlington.

SECTION 4. Application for License.

An application for a license shall be filed with the Board of Selectmen upon forms provided by the Town of Arlington; and said application shall be verified under oath and shall furnish the following information:

(a) The name and address of the applicant.

(b) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments.

(c) The experience of the applicant in the transportation of passengers.

(d) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a license.

(e) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.

(f) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.

(g) Such further information as the Board of Selectmen of the Town of Arlington may require. No action shall be taken on any such application until a complete and thorough investigation is made of the applicant by the Police Department and a report thereon is submitted for consideration by the Board of Selectmen.

SECTION 5. Issuance of License.

If the Board of Selectmen finds that further hackney carriage or taxicab service in the Town of Arlington is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of these rules and orders and the rules promulgated by the Board of Selectmen, then the Board of Selectmen shall issue a license stating the name

and address of the applicant, the number of said license and the date of issuance; otherwise, the application shall be denied.

In making the above findings, the Board of Selectmen shall take into consideration the number of hackney carriages and taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant.

SECTION 6. Liability Insurance Required.

No license shall be issued for the operation of a taxicab or hackney carriage until the owner of such vehicle shall file with the Board of Selectmen a certificate of insurance, issued by an insurance company authorized to do business in the Commonwealth of Massachusetts, certifying that liability insurance in at least the minimum amount prescribed by law has been placed upon each vehicle sought to be licensed for these purposes.

SECTION 7. License Fees.

No license shall be issued or continued in operation unless the holder thereof has paid an annual license fee of three (3) dollars each year for each vehicle operated under a license issued for the operation of a hackney carriage. Said license fees shall be for the calendar year and shall be in addition to any other license fees or charges estab-

lished by proper authority and applicable to said holder or the vehicle or vehicles under his operation and control. Applications for the renewal of licenses already in force shall be filed annually before December 15.

SECTION 8. Transfer of License.

No license may be sold, assigned, mortgaged or otherwise transferred without the consent of the Board of Selectmen.

SECTION 9. Suspension and Revocation of Licenses.

A license issued under the provisions of these rules and orders may be revoked or suspended by the Board of Selectmen if the holder thereof has (a) violated any of the provisions of these rules and orders (b) discontinued operations for more than sixty (60) days (c) has volated any By-Laws of the Town of Arlington, or the laws of the United States or the Commonwealth of Massachusetts, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.

Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

SECTION 10. Hackney Carriage Driver's License.

No person shall operate a hackney carriage for hire upon the streets of the

Town of Arlington, and no person who owns or controls a hackney carriage shall permit it to be so driven, and no hackney carriage licensed by the Town of Arlington shall be so driven at any time for hire, unless the driver of said hackney carriage shall have first obtained and shall have then in force a hackney carriage driver's license issued under the provisions of these rules and orders.

SECTION 11. Application for Driver's License.

An application for a taxicab driver's license shall be filed with the Chief of Police on forms provided by the Town of Arlington; and such application shall be verified under oath and shall contain the following information:

(a) The names and addresses of four residents of the Town of Arlington who have known the applicant for a period of two years and who will vouch for the sobriety, honesty, and general good character of the applicant.

(b) The experience of the applicant in the transportation or passengers.

(c) The educational background of the applicant.

(d) A concise history of his employment.

Each application shall be accompanied by a certificate from a reputable physician of the Town of Arlington certifying

that, in his opinion, the applicant is not inflicted with any disease or infirmity which might make him an unsafe or unsatisfactory driver.

SECTION 12. Examination of Applicant. Current State Motor Vehicle Operator's Permit Required.

Before any application is finally passed upon by the Chief of Police the applicant shall be required to pass a satisfactory examination as to his knowledge of the Town and to show that he has a current motor vehicle operator's permit issued by the Commonwealth of Massachusetts.

SECTION 13. Police Investigation of Applicant. Traffic and Police Record.

The Police Department shall conduct an investigation of each applicant for a hackney carriage driver's license and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application.

SECTION 14. Consideration of Application.

The Chief of Police shall upon consideration of the application and the reports and certificate required to be attached thereto shall approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the Board of Selectmen to offer evidence why his application should be reconsidered.

SECTION 15. Issuance of License. Duration. Annual Fee.

Upon approval of an application for a hackney carriage driver's license the Chief of Police shall issue a license to the applicant which shall bear the name, address, age and signature of the applicant.

Such license shall be in effect for the remainder of the calendar year. A license for every calendar year thereafter shall issue upon the payment of two dollars and sixty-five cents ($2.65) unless the license for the preceding year has been revoked. Applications for the renewal of all drivers licenses, already in force, shall be filed annually before December 15.

SECTION 16. Display of License.

Every driver licensed under these rules and orders shall post his driver's license in such a place as to be in full view of all passengers while such driver is operating a hackney carriage.

SECTION 17. Suspension and Revocation of Driver's License.

The Police Department or the Board of Selectmen is hereby given the authority to suspend any driver's license issued under these rules and orders for a driver's failing or refusing to comply with the provisions of these rules and orders, such suspension to last for a period of not more than thirty (30) days. The Police

Department is also given authority to revoke any driver's license for failure to comply with the provisions of these rules and orders. However, a license may not be revoked unless the driver has received notice and has had opportunity to present evidence in his behalf.

SECTION 18. Failure to Comply with Town, State and Federal Laws.

Every driver licensed under these rules and orders shall comply with all Town, State and Federal laws. Failure to do so will justify the Board of Selectmen suspending or revoking a license.

SECTION 19 Vehicles. Equipment and Maintenance.

(a) Vehicles Must be Licensed. Prior to the use and operation of any vehicle under the provisions of these rules and orders said vehicle shall be thoroughly examined and inspected by the Police Department and found to comply with such reasonable rules and regulations as may be prescribed by the Board of Selectmen. These rules and regulations shall be promulgated to provide safe transportation and shall specify such safety equipment and regulatory devices as the Police Department shall deem necessary therefore.

When the Police Department finds that a vehicle has met the standards established by the Board of Selectmen, the Selectmen shall issue a license to that effect, which shall also state the authorized seating capacity of said vehicle.

(b) Periodic Inspection. Every vehicle operating under these rules and orders shall be periodically inspected by the Police Department at such intervals as shall be established by the Board of Selectmen to insure the continued maintenance of safe operating conditions.

(c) Vehicles Must be Kept in a Clean and Sanitary Condition. Every vehicle operating under these rules and orders shall be kept in a clean and sanitary condition according to rules and regulations promulgated by the Board of Selectmen.

SECTION 20. Designation of Taxicabs.

Each hackney carriage may bear identifying insignia satisfactory to the Board of Selectmen providing it does not conflict with or imitate any color scheme, identifying design or insignia used on a vehicle or vehicles now operating under these rules and orders, in such a manner as to be misleading or tend to deceive or defraud the public and each such vehicle shall be required to install a stop light on the roof of said vehicle labeled, "Taxi".

SECTION 21. Rates of Fare. Rate Card Required.

No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the following rates:

(a) First mile or fraction thereof ..... $ .35

(b) Each one-sixth mile thereafter ..... .05

(c) Each additional person for the whole journey ..... .10

Waiting time shall include all time during which the vehicle is not in motion, beginning nine (9) minutes after its arrival at the place to which it has been called, or, if engaged in the street or at a stand, beginning nine (9) minutes after the time of such engagement. A charge of ten (10) cents for each three (3) minutes may be made, but no charge shall be made for time lost through the inefficiency of the vehicle or its driver, or for time between premature arrival in response to a call and the hour for which the vehicle was ordered.

Every hackney carriage operated under these rules and orders shall have a rate card setting forth the authorized rates of fare displayed in such a place as to be in view of all passengers.

SECTION 22. Receipts.

The driver of any hackney carriage shall upon demand by the passenger render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name

of the owner, license number or motor number, amount of meter reading or charges and date of transaction.

SECTION 23. Refusal of Passenger to Pay Legal Fare.

It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in these rules and orders after having hired the same, and it shall be unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service.

SECTION 24. Solicitation, Acceptance and Discharge of Passengers.

(a) Solicitation of Passengers by Driver. No driver shall solicit passengers for a hackney carriage except when sitting in the driver's compartment of such hackney carriage or while standing immediately adjacent to the curb side thereof. The driver of any hackney carriage shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that, when necessary a driver may be absent from his taxicab for not more than ten (10) consecutive minutes, and provided further that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

(b) Prohibited Solicitation. No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

(c) Receipt and Discharge of Passengers on Sidewalk Only. Drivers of hackney carriages shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible or in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either the right or left-hand sidewalk, or side of the roadway in the absence of a sidewalk.

(d) Cruising. No driver shall cruise in search of passengers except in such areas and at such times as shall be designated by the Board of Selectmen. Such areas and times shall only be designated when the Board of Selectmen finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

(e) Solicitation of other Common Carrier Passengers Prohibited. No driver, owner, or operator shall solicit passengers at the terminal of any other common carrier, nor at any intermediate points along any established route of any other common carrier.

(f) Additional Passengers. No driver shall permit any other person to occupy or ride in said hackney carriage, unless the person or persons first employing the hackney carriage shall consent to the acceptance of an additional passenger or passengers. (No charge shall be made for an additional passenger except as provided in Section 21, sub-section (c) and except when the additional passenger rides beyond the previous passenger's destination and then only for the additional distance so travelled.)

(g) Restriction on Number of Passengers. No driver shall permit more persons to be carried in a hackney carriage as passengers than the rated seating capacity of his hackney carriage as stated in the license for said vehicle issued by the Board of Selectmen. A child in arms shall not be counted as a passenger.

(h) Refusal to Carry Orderly Passengers Prohibited. No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of these rules and orders to do so.

(i) Prohibitions of Drivers. It shall be a violation of these rules and orders for any driver of a hackney carriage to solicit business for any hotel, or to attempt to divert patronage from one hotel to another. Neither shall such driver engage in selling intoxicating liquor or solicit business for any house

of ill repute or use his vehicle for any purpose other than the transporting of passengers.

(j) Prohibition of Passengers. It shall be unlawful for the driver of any hackney carriage to permit any person or persons to stand on the running board of such vehicle while the same is in motion, and it shall be unlawful for any person to ride on the running board of such vehicle when the same is in motion.

SECTION 25. . Taxicab Service.

All persons engaged in the taxicab business in the Town of Arlington operating under the provision of these rules and orders shall render an over-all service to the public desiring to use taxicabs. Holders of licenses to conduct a hackney carriage business shall maintain a central place of business and keep the same open twenty-four hours a day, if required by the Board of Selectmen, for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for services inside the corporate limits of Arlington as soon as they can do so and if said services cannot be rendered within a reasonable time they shall then notify the prospective passengers how long it will be before the said call can be answered and give the reason therefor. Any holder who shall refuse to accept a call anywhere in the corporate limits of Arlington at any time when such holder has available cabs; or who shall fail or refuse to

give over-all service, shall be deemed a violator of these rules and orders and the license granted to such holder shall be revoked at the discretion of the Board of Selectmen.

SECTION 26. Manifests

Every driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare and all such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the owner and shall be of a character approved by the Board of Selectmen.

Every holder of a certificate of public convenience and necessity shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, and said manifests shall be available to the Board of Selectmen.

SECTION 27. Holder's Records and Reports.

(a) Every holder shall keep accurate records of receipts from operations, operating, and other expenses, capital expenditures, and such other operating information as may be required by the Board of Selectmen. Every holder shall

maintain the records containing such information and other data required by these rules and orders at a place readily accessible for examination by the Board of Selectmen.

(b) If required every holder shall submit reports of receipts, expenses, and statistics of operation to the Board of Selectmen for each calendar year, in accordance with a uniform system prescribed by the Board of Selectmen. Said reports shall reach the Board on or before the fifteenth (15) day of January, of the year following the calendar year for which such reports are prepared.

(c) All accidents arising from or in connection with the operation of hackney carriages which result in death or injury to any person, or in damage to any vehicle, or to any property in an amount exceeding the sum of fifty (50) dollars, shall be reported within twenty-four (24) hours from the time of occurrence to the Police Department in a form of report to be furnished by said department.

(d) Service Contract Reports. It shall be mandatory for all holders to file with the Board of Selectmen copies of all contracts, agreements, arrangements, memoranda, or other writings relating to the furnishing of hackney carriage

service to any hotel, theatre, hall, public resort, railway station or other place of public gathering, whether such arrangement is made with the holder or any corporation, firm or association with which the holder may be interested or connected. Failure to file such copies within seven days shall be sufficient cause for the revocation of a certificate of any offending holder or the cancellation of any cab stand privileges.

SECTION 28 Taximeters.

When required by the Board of Selectmen all taxicabs operated under the authority of these rules and orders shall be equipped with taximeters fastened in front of the passengers, visible to them at all times day and night; and, after sun down, the face of the taximeter shall be illuminated. Said taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. They shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed; and it shall be the duty of the driver to throw the flag of such taximeter into a non-recording position at the termination of each trip. The said taximeters shall be subject to inspection from time to time by the Department of Police. Any

inspector or other officer of said department is hereby authorized either on complaint of any person or without such complaint, to inspect any meter and, upon discovery of any inaccuracy therein, to notify the person operataing said taxicab to cease operation. Thereupon said taxicab shall be kept off the highways until the taximeter is repaired and in the required working condition.

SECTION 29. Advertising.

Subject to the rules and regulations of the Board of Selectmen, it shall be lawful for any person owning or operating a taxicab or motor vehicle for hire to permit advertising matter to be affixed to or installed in or on such taxicabs or motor vehicles for hire.

SECTION 30. Police Department. Duty to Enforce Rules and Orders.

The Police Department of the Town of Arlington is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under these rules and orders. Upon discovering a violation of the provisions of these rules and orders, the Police Department shall report the same to the Board of Selectmen which will order or take appropriate action.

SECTION 31. Severability.

Each of the provisions of these rules and orders are severable and if any provision shall be declared to be invalid, the remaining provisions shall not be affected but shall remain in full force and effect.

SECTION 32. Penalties for Violations.

Any person violating any of the provisions of these rules and orders shall forfeit and pay a fine not exceeding twenty (20) dollars for each offense; and any licensed owner or driver who violates any of the provisions of these rules and orders shall, in addition to said penalty thereupon become liable to forfeit his license as provided in Sections 9 and 17 of these rules and orders and to be disqualified to hold a license or certifiicate, or both, thereafter.

SECTION 33. Public Automobiles.

The authorized fare for automobiles other than taxicabs shall be not more than four ($4.00) dollars per hour when hired by the hour, nor more than forty (40) cents per mile when hired on a mileage basis. For each additional person for the whole journey, ten (10) cents. This rule shall also apply to automobiles hired at a garage.

Any person licensed to operate a public automobile in Arlington shall not en-

gage in soliciting in the public streets, but shall confine his work to the following: funerals, weddings, garage and telephone call work.

SECTION 34.

These rules and orders shall take effect on the 1st day of January, 1955; and thereafter all rules and orders or parts of rules and orders in conflict with these rules and orders shall be repealed, provided, however, that such repeal shall not affect any proceedings for a violation of any prior rules or orders.

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